

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SCOTT A. BROWN,

Plaintiff,

v.

MICHAEL DITTMANN,

Defendants.

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ORDER

Case No. 17-cv-278-jdp

On April 13, 2017, I assessed plaintiff Scott A. Brown an initial partial payment of \$3.69 due by May 5, 2017. Now plaintiff has submitted a motion for an order requiring disbursement of \$3.69 from plaintiff's release account to make the initial partial payment of the filing fee. Plaintiff's general trust fund account lacks sufficient funds, and plaintiff seeks an order requiring disbursement of \$3.69 from plaintiff's release account.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that granting plaintiff's motion to use his release account funds to pay his initial partial filing fee. Prison officials are directed to disburse \$3.69 from plaintiff's release account for payment of the initial partial filing fee. Plaintiff's initial partial filing fee is due by May 26, 2017.

Entered this 24<sup>th</sup> day of April, 2017.

BY THE COURT:

/s/

PETER OPPENEER

Magistrate Judge